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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/767,689	01/24/2001	Erich Harsch	82673-0005	3223

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EXAMINER

NGUYEN, JIMMY T

ART UNIT PAPER NUMBER

3725

DATE MAILED: 04/15/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/767,689

Applicant(s)

HARSCH ET AL.

Examiner

Jimmy T Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 2-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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## **DETAILED ACTION**

### ***Response to Amendment***

The amendment filed on February 12, 2003 under 37 CFR 1.131 has been considered and an action on the merits follows.

### ***Specification***

The amendment filed on February 12, 2003 under 37 CFR 1.131 failed to address the objection to the specification regarding how the bear drives (18,19) drive spindle/nut system (20,21) and what is controlled the driven of these drives. The specification only discloses the spindle/nut system (20, 21) is driven by the bear drives via shafts and angular gear mechanisms (page 7, line 25), but the specification does not disclose the specific shafts and angular gear mechanisms arrangements between the bear drives and the spindle/nut system in order to drive rods (23, 29).

### ***Claim Rejections - 35 USC § 112***

The amendment filed on February 12, 2003 under 37 CFR 1.131 failed to overcome the 35 USC 112 rejection of the previous Office action.

#### **The following is a quotation of the first paragraph of 35 U.S.C. 112:**

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 4 and 6-13 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the

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art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Regarding claims 4 and 12, it is not clear of how the spindle/nut system (21) can be driven by drive (19) as discussed in specification objection above.

Regarding claims 7 and 13, it is not clear of how the spindle/nut system (20) can be driven by drive (18) as discussed in specification objection above.

Regarding claims 8 and 11, it is not clear how the drive is connected to the transporting apparatus via spline shaft following the disengagement of the rotatable cross member. The specification does not show or support drive (18, 19) connected to the transporting apparatus.

**The following is a quotation of the second paragraph of 35 U.S.C. 112:**

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 2, line 3, there is only one "processing station" is claimed, which rendered the term "each processing station" indefinite.

Regarding claim 2, lines 6-7, and claims 10-13, it is not clear of which "the cross member" applicant is referring to. Is it the rotatably cross member as claimed in line 5 of claim 2 or the sucker cross member as claimed in line 6 of claim 2?

Regarding claims 4-13, the claims are rejected for dependent upon a cancelled claim 1. For the purposes of examination, the claims are treated as they are depending upon claim 2 in this case.

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Regarding claim 6, the claim is narrative and indefinite, failing to conform with current U.S. practice. It appears to be a literal translation into English from a foreign document and is replete with grammatical and idiomatic errors.

Regarding claim 6, there is no antecedent basis for “the circle segment” (line 3) and “the sucker cross member” (line 4) in the claim as it is dependent upon any one of claims 2-4.

Regarding claim 7, there is no antecedent basis for “the circle segment” (line 2) in the claim as it is dependent upon any one of claims 2-4.

Regarding claim 7, as it is dependent upon any one of claims 2-4, it is not clear of what are the structural relationships between a circle segment and the apparatus as claimed in any one of claims 2-4

Regarding claim 7, line 3, the speculative terminology such as “can be” is indefinite.

Regarding claim 8, as it is dependent upon any one of claims 2-3, and 5, it is not clear of what are the structural relationships between drive (18) and/or drive (19) and the apparatus as claimed in any one of claims 2-3 and 5.

Regarding claim 9, as it is dependent upon any one of claims 2-5, it is not clear of what are the structural relationships between drive (18) and/or drive (19) and the apparatus as claimed in any one of claims 2-5.

Regarding claim 12, as it is dependent upon any of claims 2-3, 5, and 10, it is not clear of what are the structural relationships between rod (29) and the apparatus as claimed in any one of claims 2-3, 5 and 10.

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Regarding claim 13, as it is dependent upon any of claims 2-4, and 10, it is not clear of what are the structural relationships between circle segment, guides, rod (29) and the apparatus as claimed in any one of claims 2-4 and 10.

***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 2-4 and 8-12, as best as can be understood, are rejected under 35 U.S.C. 102(b) as being by VanderZee et al..

Regarding claims 2 and 10, VanderZee discloses a multiple station transfer press (20) having a plurality of processing station (24), wherein each station comprises: an independent transporting apparatus (see fig. 14), the independent transporting apparatus including a disengageable (at ref. numeral 380) cross member (130 or 132) rotatably (see fig. 15) mounted to the transporting apparatus; and a sucker cross member (272, see fig. 10) movable mounted on the rotatable cross member (see fig. 10), wherein a slide (274) is mounted in the linear guide on the rotatable cross member. The slide is horizontal displaceable (see col. 15, lines 53-62).

Regarding claim 3, VanderZee discloses the rotatably cross member forms a universal joint (380).

Regarding claim 4, VanderZee discloses the slide is horizontal displaceable via a rod (286) and nut/gear system (282) driven by a drive (284).

Regarding claims 8 and 11, VanderZee discloses drive is communicated with the transporting apparatus (234) via a "spline" shaft (290) (see fig. 10).

Regarding claim 9, VanderZee discloses the "spline" shaft can be displaced horizontally (via 244) in the transporting apparatus (see fig. 10).

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Regarding claim 12, VanderZee discloses the sucker cross member, the slide, and rod can be driven jointly via the drive and can be fitted on both sides of the rotatable cross member.

*Allowable Subject Matter*

Claims 5, 6, 7, and 13 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The art of record, considered alone or in combination, neither anticipates nor renders obvious an apparatus for transporting and changing the position of a single or double workpiece in a press that has a plurality processing stations, wherein each processing station comprises a rotatable cross member that includes a plurality of guides having a circle segment, and wherein a sucker cross member is guided on the guides, in combination with the rest of the claimed limitations.

*Response to Arguments*

Applicant's arguments filed February 12, 2003 with respect to claims 2-13 have been considered but are moot in view of the new ground(s) of rejection.

*Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jimmy T Nguyen whose telephone number is (703) 305-5304. The examiner can normally be reached on Mon-Thur 8:00am - 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allen Ostrager can be reached on (703) 308-3136. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3579 for regular communications and (703) 305-3579 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

JTNguyen  
April 8, 2003



William Hong  
Primary Examiner  
AU 3725